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OFFICE OF PETITIONS

In re Application of
Wu, Dai, and Sun
Application No. 10/823,867
Filed: April 14, 2004
Attorney Docket No. VERTE.008-102
For: JOB FLOW PETRI NET AND CONTROLLING
MECHANISM FOR PARALLEL PROCESSING

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:
: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)
:

This is a decision on the petition under 37 CFR 1.47(a) January 27, 2005 (certificate of mailing dated January 24, 2005.)

The petition under 37 CFR 1.47(a) is **dismissed**.

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(a).

The above-identified application was filed on April 14, 2004, and was not accompanied by a properly executed oath or declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on June 24, 2004, requiring a properly executed oath or declaration and payment of a surcharge for the late filing of the same. The notice allowed an extendable period for response of two months from its mailing date. The instant petition was filed, responsively, on January 27, 2005, along with a request for an extension of time within the fifth month.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee,
- (4) a statement of the last known address of the non-signing inventor,

The instant petition lacks item (1) as set forth above.

As to item (1), the requirement that applicant make a diligent effort to present the non-signing inventors with the application papers has not been satisfied. The instant petition indicates that the application papers were sent only to the work address for the non-signing inventor. The petition does not indicate that an effort was made to send the application papers to the residential addresses of the non-signing inventors even though the addresses were apparently available. The undersigned believes that a diligent effort to present the application papers to the non-signing inventors would entail sending the application papers to the residential address since it is available. The petition is dismissed, accordingly.

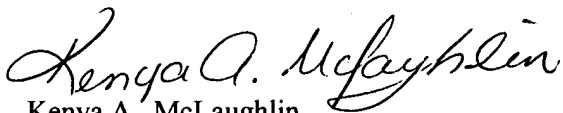
Any renewed petition must provide evidence that an effort was made to send the application papers to the non-signing inventors at their residences.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents,
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (703) 872-9306
 Attn: Office of Petitions

Telephone inquiries should be directed to the undersigned (571) 272-3222.



Kenya A. McLaughlin
Petitions Attorney
Office of Petitions